

FILED

W 2619 JUL -3 AM 11:07

AMY J. HUNLEY
CLERK OF SUPERIOR COURT
BY *S* DEPUTY

CV201900270

CASE NUMBER _____

COMPLAINT

CIVIL

DIV. 6

Bert Ball, Defendant

10177 Dutch Hill Rd.

West Valley, New York 14171

716-592-9168

Plaintiffs allege:

1. This claim arises from: Tort.
2. Venue in this precinct is proper because: the plaintiffs reside in this jurisdiction per ARS 12-401-1.
3. The defendant is being sued in this case for the damages caused by his slander and defamation of character, conspiracy to defraud, and malicious and inflammatory statements.
4. The plaintiff is asking: Court costs and fifty thousand Dollars in actual damages, \$200,000 in punitive, plus a restraining order.
5. We state under penalty of perjury the foregoing is true and correct.

Date: 7/3/2019

Earl Ball

Plaintiff

Earl Ball

Date: 7/3/2019

Linda Ball

Plaintiff

Linda Ball

FILED

2019 JUL -3 AM11:07

AMY J HUGLEY
CLERK OF SUPERIOR COURT

MARY DEPUTY

1 Earl Ball and Linda Ball

2 Plaintiffs *In Pro Se*

3 619 S. Cochise Ave.

4 Willcox, Az 85643

6 COCHISE COUNTY SUPERIOR COURT

7 IN AND FOR THE COUNTY OF COCHISE

10 EARL BALL,

CASE NO. CV201900270

11 LINDA BALL,

13 Plaintiffs,

14 PLEADING IN SUPPORT OF TORT

15 Vs.

16 CLAIM

17 BERT BALL,

JURY TRIAL REQUESTED

18 Respondent

20 Argument in support of tort claim hereto attached.

22 Respectfully submitted this 3rd day of July, 2019.

25 Earl Ball

26 Earl Ball, Plaintiff, *In Pro Se*

28 Linda Ball

30 Linda Ball, Plaintiff, *In Pro Se*

1 **ARGUMENT IN SUPPORT OF CLAIM:**

2 This tort complaint arises from an illegal search and seizure conducted by Detective D. Reno
3
4 (badge #272) of the Willcox Arizona Police Department on October 26, 2016 caused by the
5 Respondent.

6 **I**

7 The chain of events began on October 24, 2016 when defendant (the plaintiff Linda Ball's
8 ex-husband) called the Safford Arizona Parole Office and spoke to Parole Officer David Adams.
9
10 Defendant was angry that his older brother had agreed to provide his ex-wife (who had fled from
11 an abusive marriage on advice from counsel) with safety and sanctuary. His intent was to punish
12 his older brother who, at the time, had been recently released from prison after serving the
13 sentence that had been imposed. The Defendant made up a story that the Plaintiff Linda Ball had
14 stolen "his child pornography tapes" and transported them to Arizona to deliver them to his
15 brother, the plaintiff Earl Ball. Defendant enlisted the aid of Parole Officers David Adams, Raul
16 Maza and Supervisor Don Verrett as he lied about the pornography, because he knew that
17 information would insure his brother would be returned to prison. Officer Adams reportedly told
18 the defendant that he could guarantee his brother would be returned to prison for 1 – 3 years. All
19 of the above Safford Parole Officers named are now Defendants in a Federal Civil Rights lawsuit
20 file by plaintiffs, Earl Ball and Linda Ball.

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22 **II**

23 On October 25, 2016 Parole Officer Raul Maza drove to Linda Ball's residence
24 to contact Mr. Earl Ball, but no one was home. Mr. Maza left his business card in
25 the door jam of the back door, but no message. After returning from the grocery

1 store, Mr. Earl Ball found the card when it fell to the ground after the back door
2 was opened. Mr. Earl Ball immediately called Mr. Maza. The parole officer told
3 Mr. Ball that the reason he had stopped by was to give him some new instructions
4 on the further action he was requiring him to take. However, Mr. Maza did not
5 have that information with him at that time and requested Mr. Ball call him again
6 in the morning to obtain further instructions. Mr. Ball agreed to do so.
7

8 The following morning Mr. Earl Ball received a phone call from Mr. Maza who
9 told him that he was on his way to the Willcox residence. When the parole
10 officers arrived they informed Earl and Linda Ball that they were going to perform
11 a search and began to search the vehicle then the residence. Despite their efforts
12 they never found what they were looking for: video tapes containing child
13 pornography. Nor did they find any VCR in the residence or the vehicle. The only
14 items they questioned and concentrated on were some photocopies along with a
15 Civil Rights Lawsuit (CV16-0322TUVDCBSPOT) in a black briefcase that was on
16 the floor of the office beside Linda's desk. When the parole officers questioned
17 the residents about the above described items, Mr. Earl Ball explained that the
18 photocopies and the Civil Rights Lawsuit (that had been filed on 6/02/2016 shortly
19 before Mr. Earl Ball was released from prison) were a legal package that was being
20 held until the court notified Mr. Earl Ball that the court was ready for presentation
21 of evidence. When Linda Ball tried to answer the police officers' questions, they
22 recommended that she stay out of it. The truth was Linda Ball had secured the
23 evidence and the original copy of the lawsuit in her black briefcase until the court
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1 requested it, she believed that Mr. Earl Ball should not hold it in his possession.
2 Again, she was advised if she didn't want to be charged she should stay out of it.
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5 III
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8 The Safford Parole Office Supervisor Don Verett phoned the Willcox Police
9 Department to request officers to be sent to the Willcox residence. Despite Mr.
10 Earl Ball's explanation, the Chief of the Willcox Police Department was also
11 summoned to give his advice on the circumstances. Chief Rios determined Mr.
12 Earl Ball and Linda Ball the plaintiffs could not be telling the truth. So, because
13 Chief Rios does not know the law, Mr. Ball was handcuffed, taken to the Willcox
14 Police Department and then without any charges was transferred to Ft. Grant
15 Prison and confined to solitary confinement. A few weeks later he was transferred
16 to ASPC Eyman in Florence, Arizona. No arrest warrant was ever issued that day,
17 in fact the only warrant issued on October 27, 2016, was from the Arizona
18 Department of Corrections. To this date his arrest and return to prison are both
19 illegal acts.
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22 After Mr. Earl Ball was handcuffed and removed from the home Detective
23 Reno of the Willcox Police Department left the Plaintiff's residence and went to
24 the Willcox Justice Court where he filed a completely false and untruthful
25 statement in order to obtain a search warrant for that residence. In his statement to
26 the Justice court Reno claimed that Mr. Earl Ball was in violation of ARS 13-3821
27 sexual offender registration. Mr. Earl Ball had explained the materials found by
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1 by the parole officers were evidence in his Civil Rights Lawsuit. Because the
2 Chief of Police of Willcox Police Department decided Mr. Earl Ball was lying, he
3 was not given a chance to provide proof of innocence. The police department
4 knew that the claim of violating registration was NOT true because Mr. Earl Ball
5 had just recently met with Detective Villa and with Chief Rios when he turned in
6 his registration paperwork to them on direction from his parole officer, Officer
7 Maza.
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12 IV
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14 The search warrant was granted and served on plaintiff, Linda Ball. After
15 over 5 hours, electronic devices, cell phones and a myriad of paperwork (including
16 the Civil Rights Lawsuit and the corresponding evidence referenced above) were
17 seized and removed from the residence. In response to the illegal search and
18 seizure the plaintiff, Linda Ball filed a lawsuit against Detective Reno and the
19 Willcox Police Department. In July of 2017 she was contacted by the attorney for
20 Detective Reno informing her that she would be allowed to retrieve her property
21 from the Willcox Police Department. When the property officer gave her the box
22 of property the only items in it were the cell phones, a tablet and computer. When
23 she inquired why only the electronic items were being returned, the property
24 officer did not know the answer. She advised Ms. Ball to contact the Cochise
25 County Attorney for the answer. After nine months of suggesting that further
26 charges were pending against Linda Ball and Mr. Earl Ball only part of the items
27 seized were returned. The police department is still withholding the Civil Right
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1 Lawsuit and corresponding evidence, thus interfering with the legal process of that
2 lawsuit. To date there have been no criminal charges filed against either Earl Ball
3 or Linda Ball. So what laws did they violate? Evidentially making his brother
4 mad enough to lie to a parole officer in Arizona was Mr. Earl Ball's violation. So
5 why was the Plaintiff, Linda Ball, treated like a criminal in her own home? The
6 only laws broken on the night of October 26, 2016 were committed by the
7 defendant, Mr. Bert Ball and his co-conspirators in the Safford Parole office and by
8 the members of the Willcox Police Department heretofore named.

12 Therefore, the plaintiffs pray for just compensation and any other relief the
13 court may deem appropriate.

16 **RESPECTFULLY SUBMITTED** this 3rd day of July, 2019

19 Earl Ball

21 Earl Ball, Plaintiff, *In Pro Se*

23 Linda Ball

25 Linda Ball, Plaintiff, *In Pro Se*

1 **CERTIFICATE OF SERVICE**
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We hereby certify that on the 3rd day of July 2019 we caused the original and
one copy of this petition to be filed with the clerk of the Cochise County Superior
Court.

Clerk of the Cochise County Superior Court
100 Colonia De Salud #202
Sierra Vista, Az 85635

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